

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

GARY D. PRICE,

Plaintiff,

No. 1:13-cv-01730-CL

v.

ORDER

CITY OF CORNING, CALIFORNIA,

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation (#4), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff filed objections and I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

As to the dismissal of Plaintiff's Complaint (#1), I find no error and the Report and Recommendation is ADOPTED. The original Complaint is dismissed without prejudice. As to Plaintiff's petition to proceed *in forma pauperis*, I note that Plaintiff has filed an Amended Complaint (#10). I withhold ruling on Plaintiff's IFP petition pending review of the Amended Complaint.

IT IS SO ORDERED.

DATED this 13 day of November, 2013.



OWEN M. PANNER
U.S. DISTRICT JUDGE